

## Orange County District Court

801 W Division. Orange, 77630 TX. Phone: (409)882-7825 EXT

**CASE HISTORY FOR CASE 170323-C****Ronald W. Norwood VS. Scott A. Madey et al**

FILED DATE: 10/2/2017

CASE TYPE: C/MOTOR VEHICLE

STATUS: Active

JUDGE: 163rd District Court

**CASE PARTIES:**

Plaintiff Norwood, Ronald W.

Plaintiff Attorney Lapray, Hal

Defendant Madey, Scott A.

Defendant ATS Specialized, Inc.

**CASE HISTORY FOR CASE 170323-C****Norwood, Ronald W.**

Current Age: Unknown

DOB: Unknown

DL#:

SSN: 000-00-0000

Total Paid: \$ 278.00

Balance Due: \$ 0.00

<b>COST</b>	<b>AMOUNT</b>	<b>PAY PRIORITY</b>
Action: PLAINTIFF'S ORIGINAL PETITION		
COMP PUB ACCT CV (DC) \$50.00	\$50.00	20
DISTRICT CLK'S FEE-CASE \$50.00	50.00	50
OR CTY SHERIFF FEE-CASE \$5.00	5.00	50
LAW LIBRARY FEES \$20.00	20.00	50
STENOGRAPHIC FEES \$15.00	15.00	50
COURTHOUSE SEC FUND \$5.00	5.00	50
REC MGMT PRES \$5. GC 51.317 (c)(2)	5.00	50
REC MGMT PRES FUND(CL-R) GC 51.317(c)(1)	5.00	40
JUDICIARY FEE	42.00	30
STATE:IND LGL(C)LGC 133.152 (a)(1)	10.00	30
APPELLATE JUD SUPPORT FEE	5.00	30
DC DIGITIZE CT. R. GC 51.708	10.00	40
DC ARCHIVE 51.305 (b)	10.00	40
STATE E-FILING (C) \$30 GC 51.851 (b)	30.00	20
Action: CITATION REQUESTED (PROCESS SERVER)		
DISTRICT CLERK FEES : GENERAL	16.00	50
<b>Total:</b>	<b>\$278.00</b>	

<b>DATE</b>	<b>TIME</b>	<b>DESCRIPTION</b>
10/06/2017	10:33 am	Received payment of \$278.00 from Hal Lapray for Ronald W. Norwood. Printed receipt #509800. Norwood, Ronald W.
10/03/2017	11:51 am	Filing recorded: CITATION/S ISSUED + Electronically ATS Specialized, Inc.
10/03/2017	11:51 am	JUSTINRH recorded the following Case Action Note: E-mailed to: kathy@packardlaw.com ATS Specialized, Inc.
10/03/2017	11:51 am	Filing recorded: CITATION/S ISSUED + Electronically Madey, Scott A.
10/03/2017	11:51 am	JUSTINRH recorded the following Case Action Note: E-mailed to: kathy@packardlaw.com Madey, Scott A.
10/03/2017	11:49 am	Filing recorded: CITATION REQUESTED (PROCESS SERVER) Norwood, Ronald W.
10/02/2017	11:44 am	Filing recorded: REQ FOR PROCESS FORM

Print Date: 10/26/2017

Print Time: 9:34:00AM

Requested By: JUSTINRH

File: U:\Reports\CaseHistoryCivil.RPT

		Norwood, Ronald W.
10/02/2017	11:43 am	Filing recorded: PLAINTIFF'S ORIGINAL PETITION Norwood, Ronald W.
10/02/2017	11:43 am	Filing recorded: CASE INFORMATION SHEET Norwood, Ronald W.
10/02/2017	11:43 am	Filing recorded: E-FILE RECEIPT Norwood, Ronald W.
10/02/2017	11:43 am	Filing recorded: *** E-FILED CASE *** Norwood, Ronald W.

CAUSE NO. B170323-C

RONALD W. NORWOOD  
Plaintiff

V.

SCOTT A. MADEY, AND ATS  
SPECIALIZED, INC.  
Defendants

§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

ORANGE COUNTY, TEXAS

163rd JUDICIAL DISTRICT

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**PLAINTIFF'S ORIGINAL PETITION**

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **RONALD W. NORWOOD**, Plaintiff, complaining of and against,  
Defendants, **SCOTT A. MADEY** and **ATS SPECIALIZED, INC.**, and files this his Original  
Petition, and would respectfully show unto the Court the following:

I.

**DISCOVERY CONTROL PLAN**

1. Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil  
Procedure 190.3 and affirmatively pleads that this suit is not governed by the expedited-actions  
process in Texas Rule of Civil Procedure 169 because Plaintiff seeks monetary relief over  
\$100,000.

II.

**CLAIM FOR RELIEF**

2. Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000.

## III.

**PARTIES, JURISDICTION & VENUE**

3. Plaintiff, Ronald W. Norwood, is an individual residing in Orange, Orange County, Texas.

4. Defendant, Scott A. Madey, is an individual residing in Brockway, Pennsylvania, and may be served with process at his residence at 970 Evergreen Street, Brockway, Pennsylvania 15824.

5. Defendant, ATS Specialized, Inc., is a foreign corporation with its principal place of business at 725 Opportunity Drive, Saint Cloud, Minnesota 56301, and may be served with process by serving its registered agent for service, National Registered Agents, Inc., at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

## IV.

**FACTS**

6. Plaintiff brings this action to recover damages for injuries sustained by Plaintiff as a result of an automobile collision that took place on or about October 2, 2016, at or near IH-10 West in Orange County, Texas. At the time of the incident made the basis of this lawsuit, Plaintiff sustained injuries when the vehicle driven by Plaintiff collided with a vehicle being driven by Defendant, Scott A. Madey, and owned and/or leased by Defendant, ATS Specialized, Inc. At the time of the collision in question, Defendant, Scott A. Madey, was in the course and scope of his employment with Defendant, ATS Specialized, Inc.

V.

**NEGLIGENCE AND VICARIOUS LIABILITY**

ATS SPECIALIZED, INC.

7. *Respondeat Superior.* At the time of the incident made the basis of this suit, Defendant, ATS Specialized, Inc., was the employer of Defendant, Scott A. Madey. The wreck occurred while Defendant, Scott A. Madey, was furthering the business of his employer, ATS Specialized, Inc., and is, therefore, vicariously liable for the negligent acts of Defendant, Scott A. Madey.

SCOTT A. MADEY

8. Defendant, Scott A. Madey, while driving and/or leasing the said vehicle was negligent and proximately caused the occurrence in question in the following respects:

- (a) Failing to exercise due care;
- (b) Failing to keep a proper lookout;
- (c) Failing to keep vehicle in single lane of traffic;
- (d) Failing to keep vehicle under control;
- (e) Failing to stop and render aid;
- (f) Failing to swerve to avoid the collision;
- (g) Failing to timely apply brakes; and
- (h) Faulty evasive action.

9. In addition to his common law duties, Defendant, Scott A. Madey, also violated various sections of the Texas Transportation Code:

§ 40 Failing to stop and render aid;

§ 545.060 Failing to drive within a single lane; and

§ 545.401 Reckless driving,

10. Plaintiff would show that each and all of the foregoing acts or omissions constituted negligence and/or negligence *per se* on the part of Defendants and were either singularly or collectively a direct and proximate cause of the occurrence in question.

#### VI.

11. At the time of the accident, Defendant, ATS Specialized, Inc.'s employee, Scott A. Madey, was negligent in operating Defendant, ATS Specialized, Inc.'s vehicle. Specifically, Scott A. Madey was acting within the course and scope of his employment and had a duty to exercise ordinary care and operate said vehicle reasonably and prudently. Defendant breached that duty when its agent, Scott A. Madey, struck the vehicle operated by Plaintiff, Ronald W. Norwood.

12. The negligent operation of Defendant, ATS Specialized, Inc.'s vehicle was a proximate cause of the damages suffered by Plaintiff, Ronald W. Norwood.

#### VII.

#### DAMAGES

13. As a proximate result of Defendants' negligence and/or negligence *per se*, Plaintiff, Ronald W. Norwood, has damages in the past and will, in all reasonable probability, suffer damages in the future. These damages are set forth below:

- (a) Medical expenses;
- (b) Physical pain and suffering;
- (c) Mental anguish;
- (d) Physical impairment;
- (e) Cost of court; and

- (f) Such further legal and equitable relief as this court may deem proper.

14. Plaintiff further seeks recovery of pre-judgment interest on the damages as allowed by the Texas Civil Remedies and Practice Code and prays that upon entry of judgment that such pre-judgment interest be computed on all allowable damages.

VIII.

**PRE-EXISTING CONDITION**

15. In the alternative, Plaintiff would show that if any injury and/or condition from which he currently suffers was pre-existing, then such condition was aggravated, exacerbated, and/or made worse by the negligence of the Defendants herein.

IX.

**SUBSEQUENT CONDITION**

16. In the alternative, Plaintiff would show that if he suffers from any subsequent injury and/or condition, then such injury and or condition was aggravated and/or exacerbated by the negligence of the Defendants herein.

X.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final trial hereof, he recover from Defendants his damages hereinabove, together with all costs of court, pre-judgment and post-judgment interest, and for any and such further relief, either at law or in equity, to which Plaintiff may show himself justly entitled.

Respectfully submitted,

PACKARD LAPRAY

BY: /s/ Hal LaPray  
HAL LAPRAY  
Texas Bar No. 00796923  
1240 Orleans Street  
Beaumont, Texas 77701  
(409) 832-2300 Telephone  
(409) 833-8638 Facsimile  
hal@packardlaw.com

ATTORNEYS FOR PLAINTIFF



CAUSE NUMBER (FOR CLERK USE ONLY): B170323-C 163rd COURT (FOR CLERK USE ONLY):

STYLED RONALD W. NORWOOD V. SCOTT A. MADEY, AND ATS SPECIALIZED, INC.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:			Names of parties in case:		Person or entity completing sheet is:	
Name: <u>Hal LaPray</u>	Email: <u>hal@packardlaw.com</u>		Plaintiff(s)/Petitioner(s): <u>Ronald W. Norwood</u>		<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner	
Address: <u>1240 Orleans Street</u>	Telephone: <u>(409) 832-2300</u>		Defendant(s)/Respondent(s): <u>Scott A. Madey</u> <u>ATS Specialized, Inc.</u>		<input type="checkbox"/> Pro Se Plaintiff/Petitioner	
City/State/Zip: <u>Beaumont, Texas 77701</u>	Fax: <u>(409) 833-8638</u>				<input type="checkbox"/> Title IV-D Agency	
Signature: <u>/s/ Hal LaPray</u>	State Bar No: <u>00796923</u>				<input type="checkbox"/> Other:	
			(Attach additional page as necessary to list all parties)		Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:	
2. Indicate case type, or identify the most important issue in the case (select only 1):						
Civil			Family Law			
Contract		Injury or Damage	Real Property	Marriage Relationship	Post-judgment Actions (non-Title IV-D)	
<input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract:  <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <i>Malpractice</i> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability:  <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <i>Product Liability</i> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product:  <input type="checkbox"/> Other Injury or Damage:	<input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property:  <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <i>Divorce</i> <input type="checkbox"/> With Children <input type="checkbox"/> No Children  <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order  <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment		Other Civil				
<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property  <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				
Tax		Probate & Mental Health				
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		<i>Probate/Wills/Intestate Administration</i> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings		<input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:		
3. Indicate procedure or remedy, if applicable (may select more than 1):						
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover		
4. Indicate procedure or remedy, if applicable (may select more than 1):						
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000.00						

CIVIL CITATION – CITCVWD

THE STATE OF TEXAS

To: **Scott A. Madey**  
**970 Evergreen Street**  
**Brockway PA 15824**

Defendant, NOTICE:

**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A. M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Said **ANSWER** may be filed with the District Clerk's Office, Orange County Courthouse, 801 W Division Ave, Orange Texas 77630.

Said **PLAINTIFF'S ORIGINAL PETITION**

was filed and docketed in the Honorable 163rd District Court of Orange County, Texas at the District Clerk's Office at the Orange County Courthouse, 801 W Division Ave, Orange, Texas on October 2, 2017 in the following styled and numbered cause:

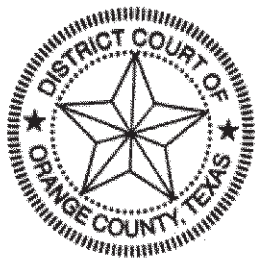
Cause No: 170323-C

**Ronald W. Norwood VS. Scott A. Madey et al**

The name and address of the attorney for plaintiff otherwise the address of Plaintiff is:

**Hal Lapray**  
**1240 Orleans Street**  
**Beaumont TX 77701**

ISSUED AND GIVEN under my hand and seal of said Court at Orange, Texas, this October 3, 2017.



**VICKIE EDGERLY, District Clerk**  
 Orange County, Texas

**RETURN**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_, M., and executed in \_\_\_\_\_ County, Texas, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering, in accordance with the requirements of law, to the within named \_\_\_\_\_. In person, a true copy of this citation together with the accompanying copy of the petition, having first endorsed thereon the date of delivery.

And not executed as to the defendant \_\_\_\_\_  
 the diligence used to execute being \_\_\_\_\_  
 the cause of failure to execute is \_\_\_\_\_  
 the defendant may be found \_\_\_\_\_

TOTAL FEES: \_\_\_\_\_

BY: \_\_\_\_\_

**From:** Justin Rhodes  
**To:** "Kathy Addison"  
**Subject:** B170323-C Norwood Service  
**Date:** Tuesday, October 03, 2017 11:55:00 AM  
**Attachments:** Citation ATS.pdf  
Citation Madey.pdf  
**Importance:** High

---

Attached are your citations in the above referenced case. Please print 2 copies of each citation and attach the Original Petition to one copy of each citation before forwarding for service.

Please acknowledge receipt of this service for our records. If you have any questions please feel free to call.

Thank you,

*Justin Rhodes*

Justin Rhodes  
Deputy Clerk  
Orange County District Clerks Office  
801 W. Division  
(409) 882 -7064  
Jrhodes@co.orange.tx.us

CIVIL CITATION – CITCVWD

THE STATE OF TEXAS

To: **ATS Specialized, Inc.**  
**National Registered Agents, Inc.**  
**1999 Bryan Street, Suite 900**  
**Dallas TX 75201**

Defendant, NOTICE:

**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A. M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

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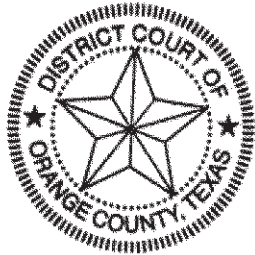
Cause No: 170323-C

**Ronald W. Norwood VS. Scott A. Madey et al**

The name and address of the attorney for plaintiff otherwise the address of Plaintiff is:

**Hal Lapray**  
**1240 Orleans Street**  
**Beaumont TX 77701**

ISSUED AND GIVEN under my hand and seal of said Court at Orange, Texas, this October 3, 2017.



**VICKIE EDGERLY, District Clerk**  
 Orange County, Texas

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And not executed as to the defendant \_\_\_\_\_  
 the diligence used to execute being \_\_\_\_\_  
 the cause of failure to execute is \_\_\_\_\_  
 the defendant may be found \_\_\_\_\_

TOTAL FEES: \_\_\_\_\_

BY: \_\_\_\_\_

**From:** Justin Rhodes  
**To:** "Kathy Addison"  
**Subject:** B170323-C Norwood Service  
**Date:** Tuesday, October 03, 2017 11:55:00 AM  
**Attachments:** Citation ATS.pdf  
Citation Madey.pdf  
**Importance:** High

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Attached are your citations in the above referenced case. Please print 2 copies of each citation and attach the Original Petition to one copy of each citation before forwarding for service.

Please acknowledge receipt of this service for our records. If you have any questions please feel free to call.

Thank you,

*Justin Rhodes*

Justin Rhodes  
Deputy Clerk  
Orange County District Clerks Office  
801 W. Division  
(409) 882 -7064  
Jrhodes@co.orange.tx.us